IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3796 OF 2005

M/s. Sudhir Transport Ltd
and Anr. ..Applicants
Vs.
Mr.Nand Kishore Mehra
and Anr. ..Respondents

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Mr.A.P.Mundergi i/b Mr.P.P.Runwal Advocate for Applicants
Mr.Rajesh More, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 20, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of proceedings relating to C.C.No. 893/Ss of 2004 pending before the learned Metropolitan Magistrate 13th Court, Dadar, Mumbai. In the said case process is issued under Section 138 r.w. 141 of

Negotiable Instruments Act. If the process issued against the applicants is set aside, the proceedings in respect of the applicants, would come to an end. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. Exemption is granted to the applicants from personal appearance before the trial Court for a period of three weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]